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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,070	07/05/2001	John W. Sims	39786/MEG	2377
23363 7590 04/28/2009 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068				
EXAMINER LANEAU, RONALD				
ART UNIT		PAPER NUMBER		
3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/807,070

Applicant(s)

SIMS ET AL.

Examiner

Ronald Laneau

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Prosecution reopened

1. In view of the Board of Appeal's decision and after careful review of the claimed limitations, prosecution is hereby reopened.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-20, Applicant claims "providing a software on the cash management system" and "providing a software on the P.O.S. system." It is unclear from reading the specification if the software provided to the management system and the P.O.S. system is the same or different.

In claims 13-16, 24 and 25, Applicant claims "performing diagnostic functions," it is again unclear from reading the specification what the Applicant meant by "performing diagnostic functions" and what it entails.

In Claims 17-20, Applicant claims "performing setup functions," it is again unclear from reading the specification what the Applicant meant by "performing setup functions" and what it entails.

In claims 25 and 26, line 5, the term “comprises” entails some kinds of modification and the Examiner is not sure if it modifies the P.O.S. system or the interface device.

It is the Examiner’s factual determination that the term “permit” means “to allow (something), consent to; to give, authorize.” It is the Examiner’s factual determination that the term “to” means “In a direction toward.” It is the Examiner’s factual determination that the term “for” means “Used to indicate an object, aim, or purpose of an action.” It is the Examiner’s factual determination that the term “Interface” means “to interact or coordinate smoothly.” It is the Examiner’s factual determination that the term “link” means “a single connecting element.” It is the Examiner’s factual determination that the term “format” means “to produce in a specified form, to form.” (The American Heritage Dictionary, second College Edition).

The Examiner finds that because the claims are indefinite under 35 U.S.C. §112 2nd paragraph, it is impossible to properly construe claim scope at this time. See *Honeywell International Inc. v. ITC*, 68 USPQ2d 1023, 1030 (Fed. Cir. 2003) (“Because the claims are indefinite, the claims, by definition, cannot be construed”). However, in accordance with MPEP §2173.06 and the USPTO’s policy of trying to advance prosecution by providing art rejections even though these claim are indefinite, the claims are construed and the art is applied *as much as practically possible*.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 5,926,796) in view of Defede et al (US 2002/0052791 A1).

As per claims 1, 5-12, 21 and 24, Walker et al teach a method of providing a communication interface (col. 7, lines 18-23) for coupling a point-of-sale (P.O.S.) system to a cash management system (col. 6, lines 46-48; register) for providing communication between the P.O.S. system and the cash management system (col. 7, lines 30-40). Walker et al do not teach providing software on the cash management system to permit operation of the cash management system over a communication link and providing software on the P.O.S. system to permit control of the cash management system. Defede discloses a method wherein providing software on the P.O.S. system to permit control of the cash management system over the communication link (modem or wide- area network) and providing software on the P.O.S. system to permit control of the cash management system over the internet, over a modem, over a wide-area-network (page 2, [0037], [0039]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the software program as taught by Defede into the system of Walker et al because it would allow the system to perform the transaction process, prevent fraudulent's access

by a user and would also eliminate the need for a store manager having to manually verify each cashier and spend less time counting money and more time servicing customers.

As per claims 2, Walker does not disclose a graphical user interface but Defede discloses a method wherein providing software on the P.O.S. system to permit control of the cash management system over the communication link includes providing a graphical user interface on the P.O.S. system to permit control of the cash management system over the communication link (see pages 2-3, [0040]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the graphical user interface as taught by Defede into the system of Walker et al for the same reasons given in claim 1.

As per claims 3 and 4, Walker does not disclose a cash management system over the communication link together including defining data formats but Defede discloses a method wherein providing software on the cash management system to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link together include defining data formats for communicating information between the cash management system and the P.O.S. system (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the data formats as taught by Defede into the system of Walker et al for the same reasons given in claim 1.

As per claims 13-16 and 25, neither Walker nor Defede discloses performing diagnostic functions but it would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the software program as taught by Walker to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link together include providing software on at least one of the cash management system and the P.O.S. system for performing diagnostic functions on the cash management system because it would identify any issues that may come up in the overall system.

As per claims 17-20, Walker does not disclose a setup function over the communication link together including defining data formats but Defede discloses a method wherein providing software on the cash management system to permit operation of the cash management system over a communication link, and providing software on the P.O.S. system to permit control of the cash management system over the communication link together include providing software on at least one of the cash management system and the P.O.S. system for performing setup functions on the cash management system (see page 4, [0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the setup functions as taught by Defede into the system of Walker et al for the same reasons given in claim 1.

As per claims 22 and 23, Walker discloses a method wherein the user interface of the cash management system includes a keyboard (see fig. 2, 230) and a display (see fig. 2, 250); wherein the user interface software on the P.O.S. system emulates the display of the cash management system by changing a display window of the P.O.S. system at the same time and in the same way as the display of the cash management system (see fig. 2, 250).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- See references cited on PTO form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571)272-6784. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
Art Unit 3714

rl

/Robert P Olszewski/
Director, Technology Center 3700